



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Masumitsu INO et al.

Serial No.: 09/424,544

Filing Date: November 24, 1999

For: LIQUID CRYSTAL DISPLAY DEVICE

Examiner: J.Piziali

Group Art Unit: 2673

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RESPONSE TO ELECTION OF INVENTION AND ELECTION OF SPECIES
REQUIREMENT IN PAPER NO. 05

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in full and timely response to Paper No. 5, an Office Action dated August 17, 01 requiring both an election of invention and an election of species. One month was allotted for this reply. This will acknowledge with appreciation the Examiner's layout of the issues involving both an election of invention and an election of species for claims 1 to 20 as filed.

As to the election of invention requirement, the Applicant, through its representatives and attorneys respectfully elects the invention of Group 2, having claims 3 and 10 to 20. This position is respectfully traversed to preserve the right of the Applicant to provide linking claims, and/or amend admittedly generic claim 3 to cover the invention of Group I as well. Moreover, under MPEP 802.01, the Examiner has not shown that a "serious burden" would be required for a search and examination of the application and its twenty (20) claims. Still further, this traverse will preserve the Applicant's rights to amend the pending claims in an effort to overcome the stated reasons for the election requirement alleging that the inventions of Group 1 and 2 do not relate to a single general inventive concept under

PCT Rule 13.1 and PCT Rule 13.2. Indeed, it is not seen how this is the case in that, as to the accompanying election of species requirement, claim 3 was said to be generic, thus implying that a single generic concept represented by claim 3 is present. In any event, the Applicant preserves its right to proceed as stated above.

As to the stated election of species requirement, the Applicant, through its representatives and attorneys respectfully elects the species of Species 2 as referred to by the Examiner. Claims 3 (generic) and 10 to 20 read on Species 2 according to the Examiner. This requirement is traversed only in that the statement of the respective species, as well as the respective inventions, fail to consider generic claim 3 as satisfying the generic requirement. Thus, the Applicant reserves its rights to present additional claims or amend pending claims to preserve the genericity of claims directed to both species.

The objections to the drawings in the accompanying Form PTO-948 are acknowledged. Correction will be made upon an indication of allowable subject matter and within the times allotted for correction prior to payment of any issue fee responsive to any prospective allowance of this application.

This will note with appreciation that the Action acknowledges the Section 119 claim for priority. The acknowledgement of a Section 120 claim for domestic priority is not fully understood and is believed to be in error since neither a provisional nor a parent application is involved.

Receipt is also acknowledged of the IDSs of Papers No. 3 and 4. Those papers are initialed, indicating that these references have been fully considered in connection with an examination of this application.

An early allowance of this application of its initial

Action on the merits is respectfully requested.

Respectfully submitted,

Dated: September 17, 2001

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